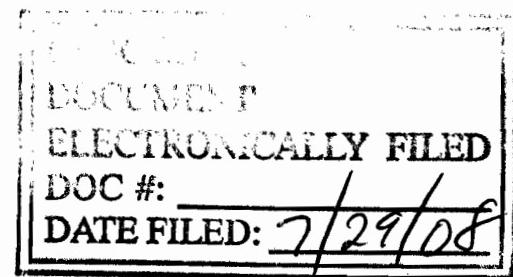


Lynett

HERRICK, FEINSTEIN LLP  
Stephen M Rathkopf (srathkopf@herrick.com)  
Raymond N. Hannigan (rhannigan@herrick.com)  
David Feuerstein (dfeuerstein@herrick.com)  
Attorneys for Defendants Brian Street and  
James Cohen  
2 Park Avenue  
New York, NY 10016  
212.592.1400



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
HSH NORDBANK AG NEW YORK  
BRANCH, as Administrative Agent for  
Itself and Certain Lenders,

: Case No. 08 Civ. 6131 (GEL)

: STIPULATION EXTENDING TIME

: Plaintiff,

: vs.

:  
MICHAEL SWERDLOW, BRIAN  
STREET, and JAMES COHEN,

: Defendants.  
-----  
x

**IT IS HEREBY STIPULATED AND AGREED** that the time for Defendants to answer, move or otherwise respond with respect to the Complaint is hereby extended 31 days from July 29, 2008, to and including August 29, 2008.

**IT IS FURTHER STIPULATED AND AGREED** that Defendants hereby waive any defenses based upon improper or inadequate service of the Complaint.

**IT IS FURTHER STIPULATED AND AGREED** that the District Court for the Southern District of New York has personal jurisdiction over Defendants and is the proper venue in which to try the above-captioned action.

IT IS FURTHER STIPULATED AND AGREED that execution of this Stipulation by facsimile or .pdf transmission shall be acceptable as if it were by original signature.

Dated: July 25, 2008

SONNENSCHEIN NATH &  
ROSENTHAL LLP

HERRICK, FEINSTEIN LLP

By \_\_\_\_\_

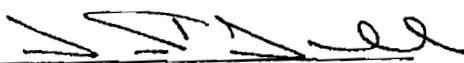
Michael H. Barr  
Justin N. Kattan  
1221 Avenue of the Americas  
New York, New York 10020  
(212) 768-6700  
[mbarr@sonnenschein.com](mailto:mbarr@sonnenschein.com)  
*Attorneys for Plaintiff*

By \_\_\_\_\_

Raymond N. Hannigan  
Stephen M. Rathkopf  
David Feuerstein  
2 Park Avenue  
New York, NY 10016  
Phone: 212.592.1400  
[rhannigan@herrick.com](mailto:rhannigan@herrick.com)  
*Attorneys for Defendants Brian Street and James Cohen*

SHUBIN & BASS, P.A.

By

  
John K. Shubin  
46 SW 1st Street  
3rd Floor  
Miami, FL 33130  
[jshubin@shubinbass.com](mailto:jshubin@shubinbass.com)  
*Attorneys for Defendant Michael Swerdlow  
(Appearing subject to pro hac vice application)*

SO ORDERED: \_\_\_\_\_

**IT IS FURTHER STIPULATED AND AGREED** that execution of this Stipulation by facsimile or .pdf transmission shall be acceptable as if it were by original signature.

Dated: July 25, 2008

SONNENSCHEIN NATH &  
ROSENTHAL LLP

By Justin N. Kattan/1st  
Michael H. Barr  
Justin N. Kattan  
1221 Avenue of the Americas  
New York, New York 10020  
(212) 768-6700  
[mbarr@sonnenschein.com](mailto:mbarr@sonnenschein.com)  
*Attorneys for Plaintiff*

HERRICK, FEINSTEIN LLP

By John Shubin  
Raymond N. Hannigan  
Stephen M. Rathkopf  
David Feuerstein  
2 Park Avenue  
New York, NY 10016  
Phone: 212.592.1400  
[rhanigan@herrick.com](mailto:rhanigan@herrick.com)  
*Attorneys for Defendants Brian Street and James Cohen*

SHUBIN & BASS, P.A.

By \_\_\_\_\_  
John K. Shubin  
46 SW 1st Street  
3rd Floor  
Miami, FL 33130  
[jshubin@shubinbass.com](mailto:jshubin@shubinbass.com)  
*Attorneys for Defendant Michael Swerdlow*

SO ORDERED: Reed S. Zell

7/28/08